



Battle Creek Zoning Board of Appeals

Staff Report

Meeting: July 13, 2010

To: Zoning Board of Appeals
From: Glenn Perian, Senior Planner
Subject: Petition for a parking variance (Z-09-10) to permit a building expansion/addition at 155 Garfield Street without providing for the required number of parking spaces for the proposed office use.

Summary

This report addresses a petition from Starr Commonwealth seeking approval of a parking variance (Z-09-10), to construct a 3,020 sq. ft. addition to an 8,345 sq. ft. building without providing the required number of parking spaces at 155 Garfield Street.

Background/Project Information

The subject site is located at the general intersection of Garfield Street and West Street. The office property is a somewhat irregularly shaped square with approximately 189' of road frontage on Garfield Street with approximately 193' of depth. The property is located within the O-1 (Office) District. The building has a walk-out basement and it is fair to say that the grade of the lot slopes to the rear of the property, thereby limiting full development of the lot in regards to parking, stormwater management, pedestrian traffic, etc. Parking requirements are governed by Chapter 1284 Off-Street Parking and Loading Requirements and more specifically, Chapter 1284.01 GENERAL REQUIREMENTS (a) (9) *Banks, business, professional offices, medical clinics*, which specifies 1 parking space for every 200 square feet of floor area is required. Based on ordinance requirements for the existing building and proposed addition, 57 parking spaces are required. The property currently has 10 parking spaces and the Appellant is proposing 27 spaces for the finished development.

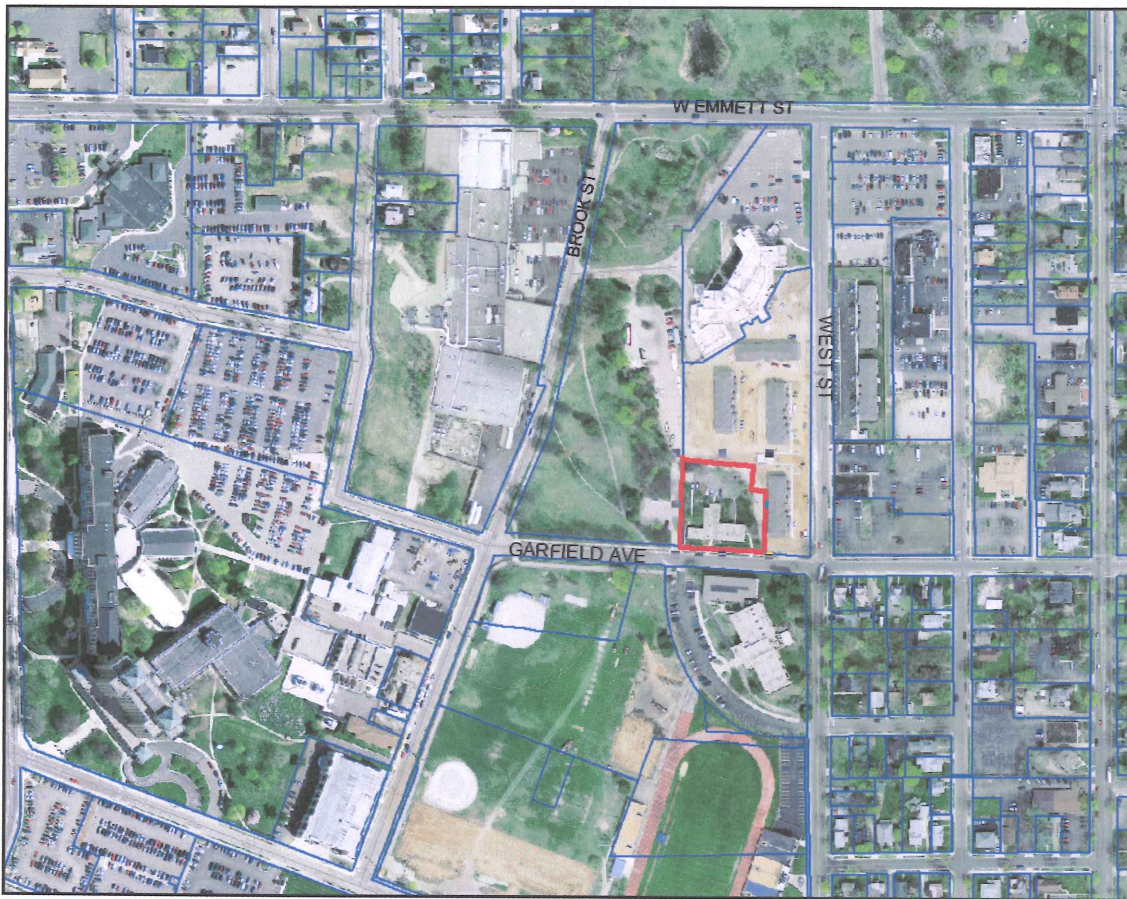
Public Hearing and Notice Requirements

An advertisement of this public hearing was published in the Battle Creek SHOPPER NEWS on Thursday, June 17, 2010 – not less than the 15 days before the hearing as required by State Law and ordinance.

Notices of the public hearing were also sent by regular mail on June 15, 2010 to 12 property owners and occupants located within 300 feet of the subject parcel. Planning staff has received no comments relative to this request

Surrounding Land Uses

The subject property is located in the general vicinity of Garfield Street and West Street. There are residential uses to the east, south and north, and athletic/park uses to the west and southwest.



Applicable Zoning Ordinance Provisions

Chapter 1234.04 (b) (1) authorizes the Zoning Board of Appeals to grant variations in the yard requirement of any district where there are unusual and practical difficulties in the carrying out of the requirements of the Zoning Code due to the irregular shape of the lot or topographical conditions, provided that such a variation will not seriously affect any adjoining property or the general welfare of the public; and

Chapter 1234.04 (b) (2) authorizes the Zoning Board of Appeals to grant variations, upon appeal, whenever a property owner can show that strict application of the provisions of the Zoning Code relating to the use of buildings or structures or to the use of land will impose upon them unusual and practical difficulties or hardship. This section requires that such variations of the strict application of this Zoning Code as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Master Plan, as established by the Zoning Code, and that the surrounding property will, at the same time, be properly protected.

Analysis

The Appellant is requesting a parking variance that would authorize a reduction in the number of parking spaces provided for Starr Commonwealth in conjunction with an addition, contrary to limitations outlined in chapter 1284 of the Planning and Zoning Code. The Appellant has stated in the supporting material that there simply is not enough room on site to provide for the number of parking spaces required by the ordinance. The Appellant also states that most of the employees working at Starr Commonwealth work off-site and rarely are the employees at the 155 Garfield Street office site at the same time.

The Appellant has supplied reasons supporting the request for appeal and they are included with the application and part of this report. A site plan has also been provided.

Is there something unique about this lot or property that makes relief necessary? We would suggest the grade slopes to the rear of the lot making development of the lot challenging. The Appellant is suggesting that the office use of the property is not typical of other office uses throughout the City. Most of the work done by employees is conducted off-site, eliminating the need for an abundance of parking. Furthermore, the Appellant has stated that the Battle Creek Public Schools have been contacted to use their off street parking spaces for those times when Starr Commonwealth has a full lot.

- We would suggest that if a variance is granted an agreement between Starr Commonwealth and BCPS be on file with the City stating that BCPS parking spaces can be used by Starr Commonwealth when overflow parking is required.
- We would also suggest that if a variance is granted, a directional sign is located on the Starr Commonwealth property directing people to the BCPS overflow parking areas.
- We would also like further clarification of the location of the proposed BCPS parking lot to be used for overflow parking in addition to their current uses.

FINDINGS AND RECOMMENDATION

The Zoning Board of Appeals can approve, approve with conditions, or deny this request. The Zoning Board of Appeals can also table or postpone the request pending additional information. In consideration of all variations from the Zoning Code, the Board shall, before making any such exceptions or variations, in a specific case, first determine that the conditions listed below are satisfied. Planning staff has reviewed these conditions and believe that each condition can be justified in an affirmative manner. We have provided a rationale for each condition set forth below for Dimensional Variances. Therefore, the Planning staff recommends that the Zoning Board of Appeals approve the Parking Variance (Z-09-10) based on the following findings contained in this staff report along with the following conditions of approval.

- 1) Staff finds that there is an unusual and practical difficulty specific to the property in question due to the operations of Starr Commonwealth in this particular case and the grade of the property limits development.
- 2) Granting the variance and thereby permitting the applicant to move forward with the project in spite of the fact it is not in compliance with the zoning ordinance will not seriously affect any adjoining property or the general welfare of the public in that staff is suggesting that an agreement for overflow parking is on file for those few anticipated

times that the Starr Commonwealth cannot provide the appropriate number of parking spaces on site.

- 3) Staff believes that if the variance in question is granted the property will still be in harmony with the general purpose and intent of the O-1 zoning district in that there will to be ample parking in the near vicinity of Starr Commonwealth with the above mentioned agreement in place with BCPS.
- 4) Staff believes that if the Zoning Board grants the variance, the reduction of parking spaces will not serve merely as a convenience to the applicant and will alleviate some demonstrable practical difficulty so great as to warrant a variation to the Master Plan and the surrounding property will, at the same time be protected in that the few times a year that Starr Commonwealth cannot provide enough parking spaces, overflow can be handles by nearby BCPS spaces.

If the Zoning Board finds that all of the above conditions have been satisfied, then all of the following standards must be met, as well.

- a) Staff believes that the Appellant has clearly demonstrated that practical difficulty will in fact exist if the variance is not granted in that the number of required parking spaces for this particular use seems to be excessive. With an agreement in place with BCPS, any overflow parking can be accommodated on nearby property.
- b) Staff believes that the appellant has not created the practical difficulty associated with this request.
- c) Staff believes that the practical difficulties are exceptional and peculiar to the property of the person requesting the variance for the reasons stated in item #1 above.
- d) Staff believes that the alleged practical difficulties result from conditions which do not generally exist throughout the City in that most office uses have clients come to their place of business. In this case, Starr Commonwealth sends most of their employees out to other locations and/or clients homes due to the nature of their services.
- e) The Appellant has furnished documentation to indicate that practical difficulties do, in fact, exist and Staff thinks that the furnished documentation relative to the unique use meets the standards outlined in the Zoning Code authorizing the Board to grant the variance.
- f) Staff does not believe the term "practical difficulty" is deemed financial hardship in this case.
- g) Staff believes the alleged practical difficulty which will result in a failure to grant the variance is substantially more than a mere inconvenience in this case. As stated previously, staff is recommending that overflow parking agreements are in place before a variance is granted.

- h) Staff thinks that by allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the Zoning Code, the individual practical difficulties that will be suffered by a failure of the Board to grant a variance and especially the rights of others whose property would be affected by the allowance of the variance.
- i) Every finding of fact of the Board shall be supported in the record of proceedings of the Board.
- j) Nothing contained in this section shall be construed to authorize the Board to change the terms of this Zoning Code.

Conditions of Approval

C1: That overflow parking agreements outlining the terms between BCPS and Starr Commonwealth are in place and on file with the City for 30 spaces (to meet ordinance requirements) before the variance granted.

C2: That a directional sign is placed in the Starr Commonwealth lot directing anyone to the offsite overflow parking location.

Attachments

The following information is attached and made part of this Staff Report.

1. ZBA Petition Form (Petition #Z-09-10),
2. Site plan showing proposed addition and parking
3. Letter from Starr Commonwealth authorizing Slocum Architects to act on their behalf for the variance request

June 11, 2010

Appeal No. Z-09-10

APPLICATION FOR A VARIANCE
ZONING BOARD OF APPEALS
City of Battle Creek, Michigan

An Appeal to the Zoning Board of Appeals to authorize a variance from the requirements of the Planning and Zoning Code (Part Twelve) of the City of Battle Creek.

Name of Appellant: Slocum Associates

521 S. Riverview Dr.
Address: Kalamazoo, MI 49004

Phone: (269) 381-2420

Name of Owner (if different from Appellant): Starr Commonwealth

155 Garfield Ave

Address: Battle Creek, MI 49037

Phone: (269) 968-9287

TO THE ZONING BOARD OF APPEALS: Request is hereby made for permission to:

(Choose One) Extend Erect Waive Use Convert Enclose

A new two story addition to the existing Starr Commonwealth facility.

contrary to the requirements of Section(s) 1284.01.b.4 & 1284.01.c of the Planning and Zoning Code, upon the premises known as Starr Commonwealth of Battle Creek, MI, in accordance with the plans and/or plat record attached.

The proposed building or use requires Board action in the following area(s):

To grant a variance with the amount of off-street parking that is

required by the City Ordinance in order to allow for the construction

of a new building addition to an existing facility.

Property/Tax I.D.# No. 7960 - 00 - 004 - 0

Size of the Lot: Width 189.07' Depth 181.61'

Size of Proposed Building: Width 42'-0" Depth 39'-4" Height 18'-0"

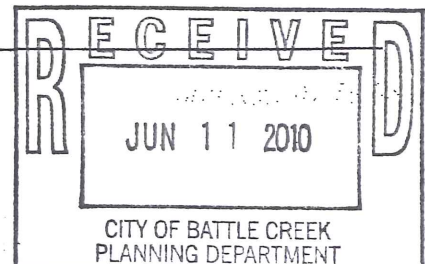
The following reasons are presented in support of this appeal (complete each section):

- a) This property cannot be used in conformance with the ordinance without the requested variance because:

There currently is not enough area available on site to accommodate

the parking requirements of the City Ordinance for the existing

facility and new addition.



- b) This problem is due to a unique situation not shared in common with nearby property owners because:

The existing facility is bound on all sides with no room for property expansion, and the business is expanding in response to the community needs and requires additional space.

- c) Granting the variance would not alter the essential character of the area because:

The parking needs would only increase slightly with the clients and would remain the same as the employees would not be growing. Also the current employees are transient and also work at the clients home, so are not regularly at the office at the same time. There is an all staff meeting that only occurs once a quarter, in which there is talk with the Battle Creek Public School to use their off-street parking along Garfield when needed.

- d) The problem is not self-created because:

The communities care and directional needs for the troubled children has increased and the existing facility does not have the capacity to grow with those needs and provide both the City's parking requirements and building area.

- e) **USE VARIANCES ONLY** It is not possible to use this particular property for any other use currently allowed in the zoning district because:

I hereby affirm that, to the best of my knowledge, all the above and accompanying statements and drawings are correct and true. In addition, I give permission to the City of Battle Creek's Planning Department staff to access my property, if necessary, to take photographs of the subject of this appeal.

Jon Rambow
(Print Appellant Name)

Jon Rambow
(Signature of Appellant)

521 S. Riverview Dr., Kalamazoo, MI 49004
(Address of Appellant)

If you require additional information or assistance in filling out this application, please contact the Planning Department at (269) 966-3320.



WE SEE
SOMETHING
GOOD IN
EVERYCHILDSM

www.starr.org

6/18/2010

To the City of Battle Creek

Officers

*Martin L. Mitchell, Ed.D.
President and
Chief Executive Officer*

*Christopher L. Smith, B.B.A., CPA
Executive Vice President and
Chief Financial Officer*

*Wm. Chuck Jackson, MA
Executive Vice President and
Chief Program Officer*

*Simon P. Bisson, CFM
Executive Vice President and
Chief Development Officer*

*Elizabeth A. Carey, MSW
Executive Vice President and
Chief Strategy Officer*

13725 Starr Commonwealth Rd.
Albion, MI 49224
PH: 517.629.5591
FX: 517.630.2400

155 Garfield Ave
Battle Creek, MI 49037
PH: 269.968.9287
FX: 269.966.4123

22400 W. Seven Mile Rd.
Detroit, MI 48219
PH: 313.794.4447
FX: 313.794.4484

15145 Lincoln Hwy.
Van Wert, OH 45891
PH: 419.238.4051
FX: 419.238.5571

301 Obetz Rd.
Columbus, OH 43207
PH: 614.491.5784
FX: 614.491.7246

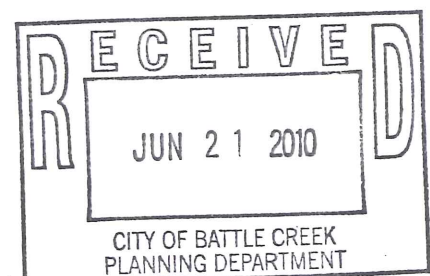
This is to inform you that Slocum Architects is representing Starr Commonwealth in submitting the variance for the changes we are requesting from the City.


Paul Fatato MA LPC

Clinical Supervisor

Starr Commonwealth

Battle Creek Campus



ADDITION & RENOVATION FOR:

STARR COMMONWEALTH

155 GARFIELD AVE, BATTLE CREEK, MICHIGAN

JUNE 11, 2010

Job No. 1004

SITE PLAN REVIEW

ARCHITECT

SLOCUM ASSOCIATES, INC.

ARCHITECTS AIA

521 HAZENVIEW DRIVE / KALAMAZOO MICHIGAN 49004 269.381.2420

ENGINEER

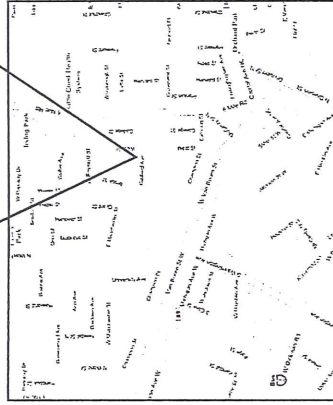
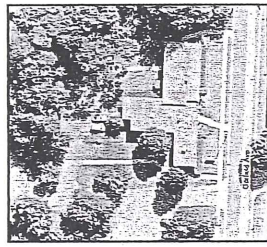
BYCE & ASSOCIATES, INC.

P.O. Box 50866 / KALAMAZOO MICHIGAN 49005 269.381.6770

CONSTRUCTION MANAGER

SCHWEITZER CONSTRUCTION, INC.

P.O. Box 1340 / BATTLE CREEK MICHIGAN 49016 269.963.1579



LOCATION MAP
N
NOT TO SCALE

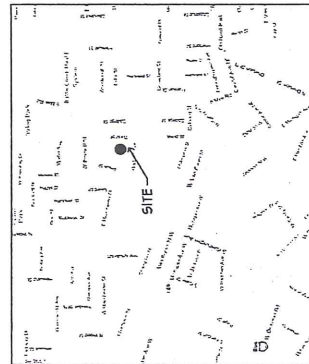
Sheet Index

COVER SHEET - INDEX

CO01 EXIST. CONDITIONS & SITE DEMOLITION PLAN
CO02 SITE PLAN
CO03 SITE SECTIONS & DETAILS
AO01 CODE COMPLIANCE PLAN
AO02 CONSTRUCTION SCHEDULE
AO03 UPPER LEVEL FLOOR PLAN
AO04 EXTERIOR BUILDING ELEVATIONS
FOR REFERENCE ONLY

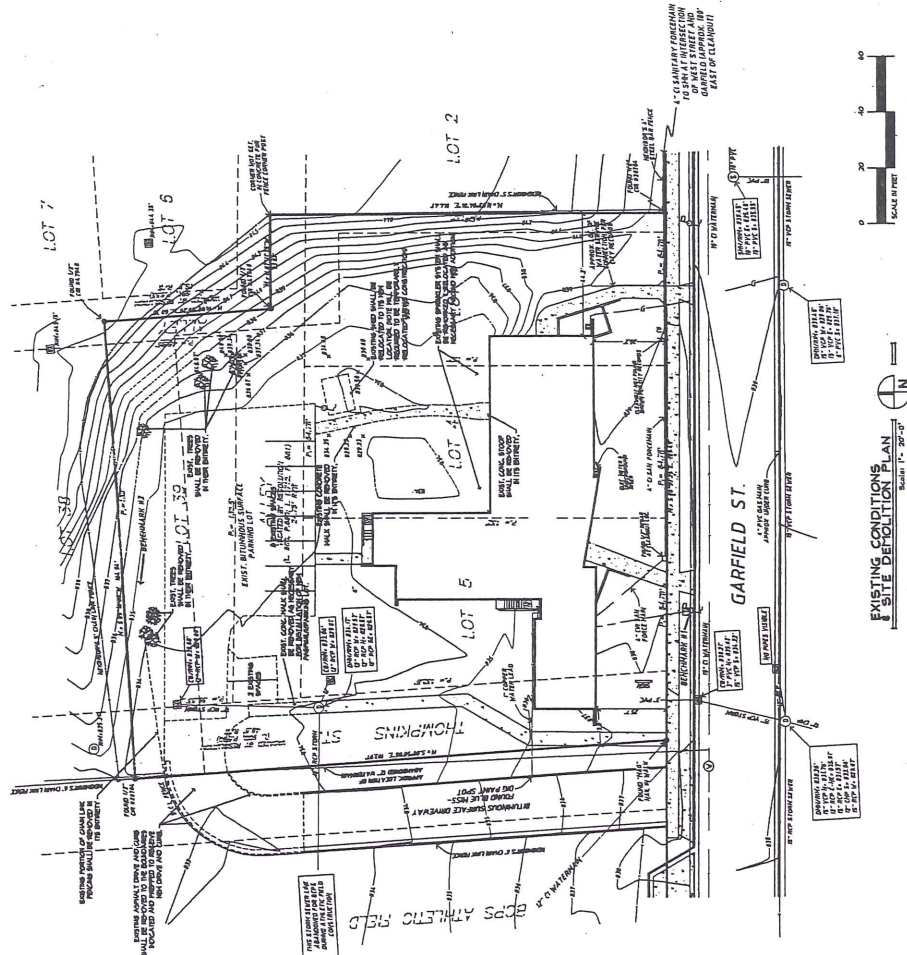
STARR COMMONWEALTH

JOB NO. 1004

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LOCATION MAP

Boiler N.T.S.



**EXISTING CONDITIONS
& SITE DEMOLITION PLAN**
Scale: 1" = 20'-0"

1. THE LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE AND SOME MAY NOT BE KNOWN.
2. CALL "888 OUR AND VERIFY ALL UNDERGROUND UTILITIES TO TOWNS PRIOR TO BEGINNING WORK AT 1-800-443-3711. ANY UTILITIES DISCOVERED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTORS EXPENSE.
3. BROWN CONTROL DEVICES SHALL BE IN PLACE PRIOR TO THE START OF CONSTRUCTION.

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3. BROWN CONTROL DEVICES SHALL BE IN PLACE PRIOR TO THE START OF CONSTRUCTION.

LOTTES NOS. 3, 4, 5, AND 26 OF SOURCE'S ADDITION TO BATTLE CREEK, ACCORDING TO THE "PLAN" REFERENCE RECORDED IN LIBER 1 OF PLAIN, 2ND PAGE 34, IN THE

ALSO THE EASTWEST END OF VULCANIZED TIREWORK STREET, ALSO KNOWN AS TROUBLE STREET, LIES WESTWEST OF AND ADJACENT TO LOT 35 AND THE VULCANIZED ALLEY LIES BETWEEN BUSH LANE 35 AND 36, AN UNPAVED BY ROUTE 100, LOCATED AT LEAST 600 FEET WEST OF BUSH LANE 35.

ALSO THE NORTH END OF THE VULCANIZED ALLEY LIES ADJACENT TO THE EASTWEST LINE OF LOT 35 AND

[illegible]

ADDITION + REMODELING TO:

2004/05

SHEET TITLE
EXIST. CONDITIONS
& SITE
DEMOLITION PLAN

FILE NAME

ISSUED

NO POSTER REVIEW

1

10

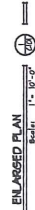
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1111

1001
JOB NUMBER

1004
JOB NUMBER

COOL

[illegible]

SERVER OF EXISTING CONDITIONS PROVIDED BY
CANE LAND SURVEYING, P.O. BOX 18436,
LAKE CHARLES, MISSISSIPPI 39301.

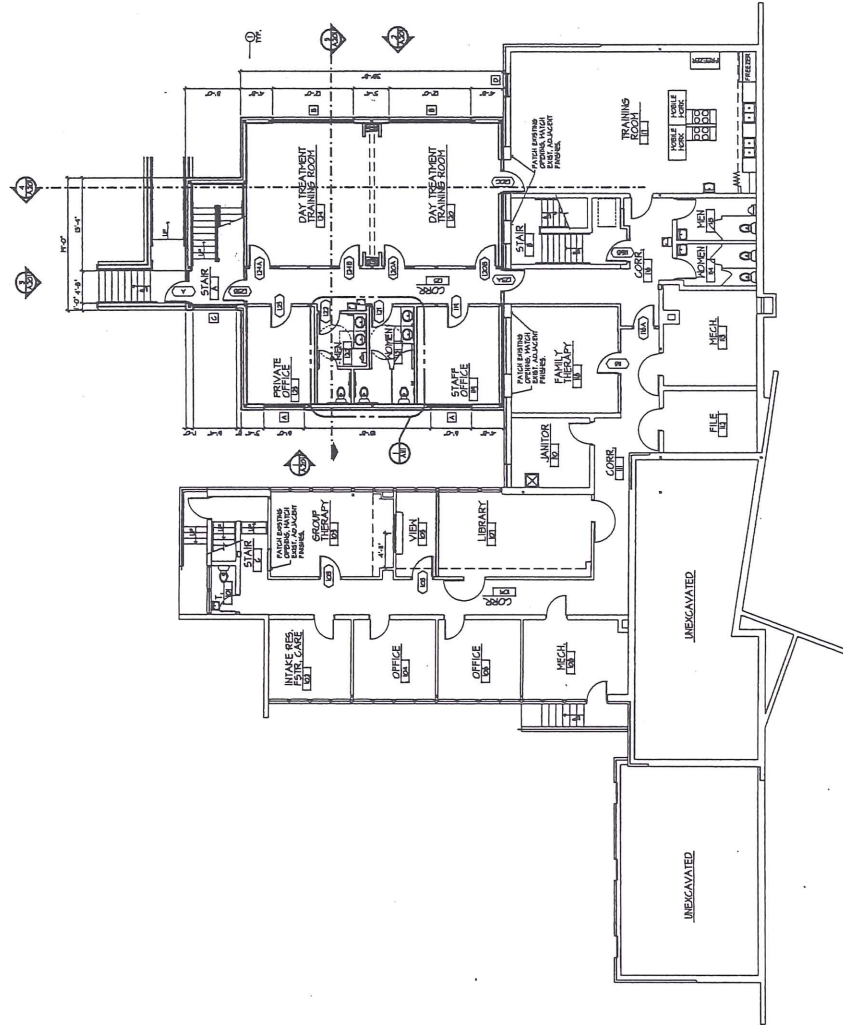
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SHEET TITLE SITE PLAN	FILE NAME BOY COLDFRWO	ISSUED SITE PLAN REVISION GRAND	JAN HANSEN 1004	C101
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GENERAL NOTES:

1. ALL CUTTING AND PATCHING TRADE INVOLVED IN THE PROJECT.
2. VERIFY ALL DIMENSIONS BEFORE ORDERING ANY MATERIALS.
3. PROVIDE SOLID HOOD FOR ALL EXHAUST SYSTEMS, BOILER, CALHEITA, SHELVAHS, BOILER, DOOR STOPPS, ETC.

NOTE:
ALL WALL TYPES SHALL
BE TYPE 5, UNO.



LOWER LEVEL FLOOR PLAN

Scale: 1/8" = 1'-0"

NEN 1,735 S.F.
EXIST. 4,172 S.F.



STARR COMMONWEALTH

SHEET TITLE LOWER LEVEL FLOOR PLAN	PREP NAME BOB ANDRUWO	DATE 8/20/97	JOB NUMBER 1004
<div style="text-align: center;">  <p>BREITENBURG</p> </div>			
SITE PLAN REVISED - CMASO			

STARR COMMONWEALTH

ADDITION + REMODELING TO
SOUTH WING

SHEET TITLE
UPPER LEVEL FLOOR PLAN

FILE NAME
B01_A101.DWG

SITE PLAN REGION
04040

DATE
01/01/00

DATE
01/01/00

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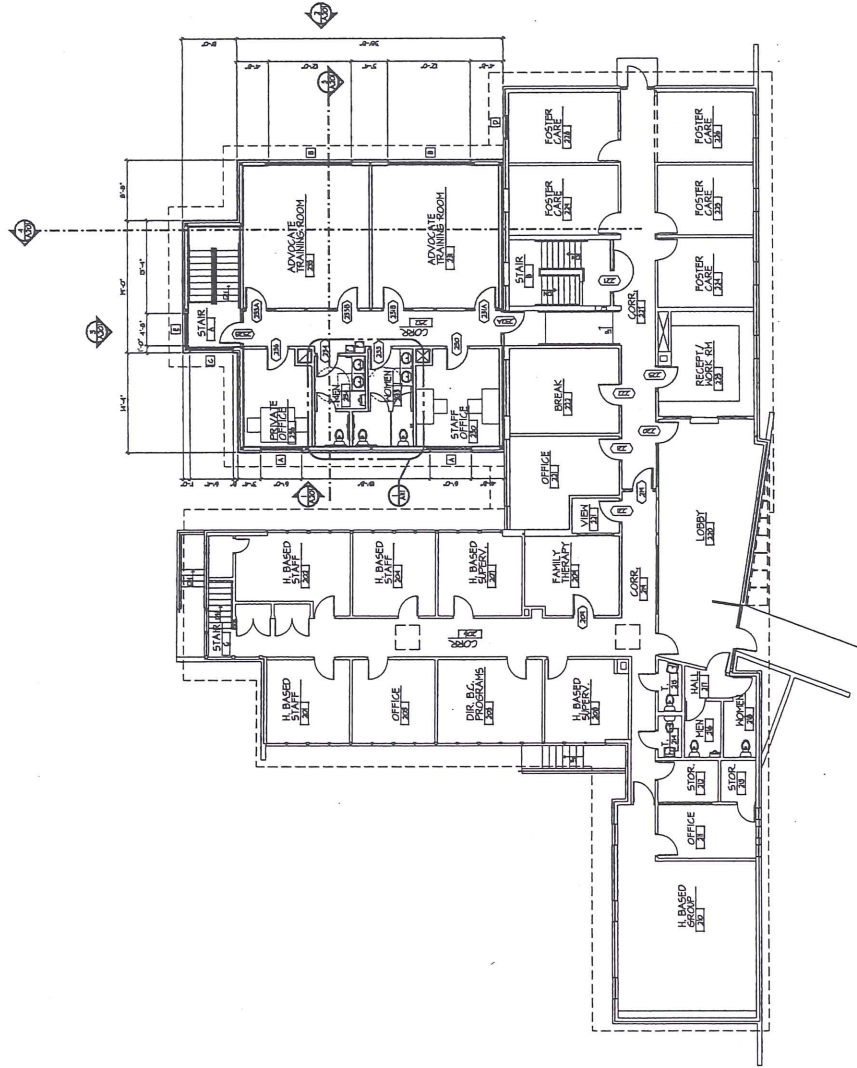
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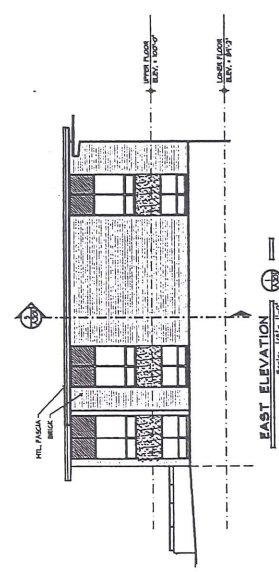
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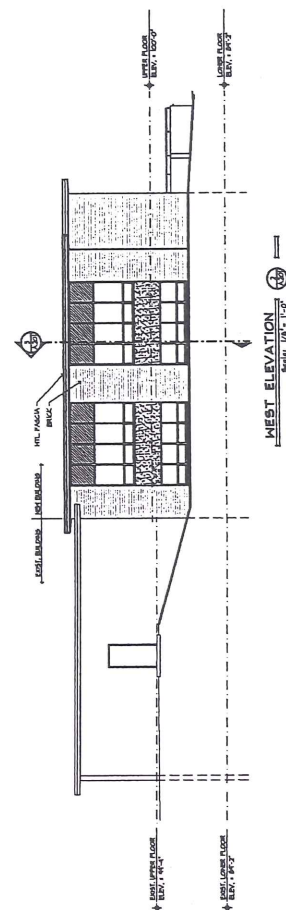
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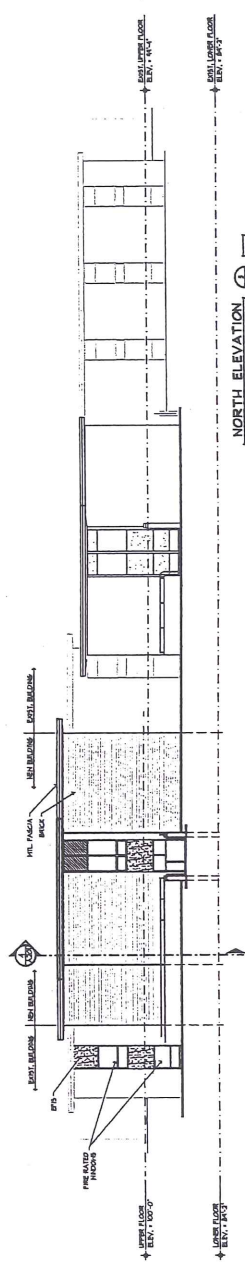




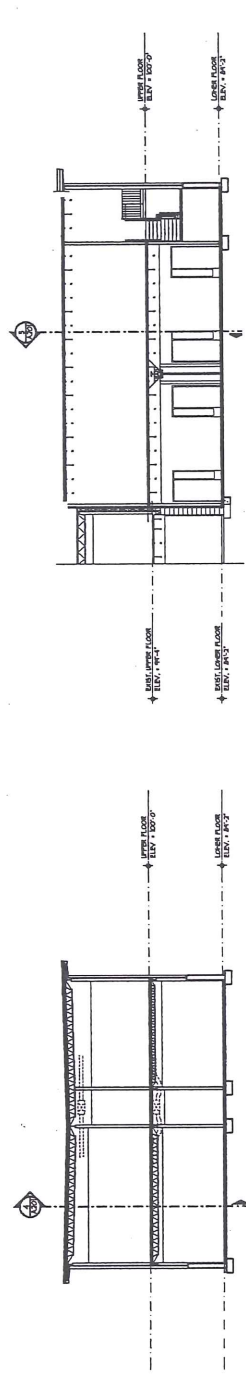
EAST ELEVATION
 Scale: 1/8" = 1'-0"



WEST ELEVATION
 Scale: 1/8" = 1'-0"



NORTH ELEVATION
 Scale: 1/8" = 1'-0"



BUILDING SECTION
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BUILDING SECTION
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